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## EXTRAORDINARY PART II—Section 3—Sub-section (1) PUBLISHED BY AUTHORITY

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### MINISTRY OF FOOD & AGRICULTURE

(Department of Agriculture)

#### NOTIFICATION

*New Delhi, the 29th August 1958*

**G.S.R. 758A.**—In exercise of the powers conferred by section 3 of the Essential Commodities Act, 1955 (10 of 1955), the Central Government hereby makes the following order, namely:—

#### HIMACHAL PRADESH SEED POTATO (CONTROL) ORDER, 1958

**1. Short title, extent and duration.**—(a) This Order may be called the Himachal Pradesh Seed Potato (Control) Order, 1958.

(b) It extends to the whole of the district of Mahasu in Himachal Pradesh.

(c) This Order shall come into force on and from the 15th September, 1958, and shall remain in force up to the 31st January, 1959.

**2. Definitions.**—In this Order, unless the context otherwise requires—

(a) "Administration" means the Lieutenant Governor of Himachal Pradesh;

(b) "dealer" means a person carrying on the business of purchasing, selling or exporting seed potato and includes an agent of a dealer;

(c) "export" means to take out of the territory by land or air;

(d) "Form" means a Form specified in the Schedule annexed to this Order;

(e) "licensing authority" means the Development Commissioner of Himachal Pradesh, and includes the Director of Agriculture Himachal Pradesh, Director for Potato Marketing, Himachal Pradesh, and Potato Development Officer, Himachal Pradesh;

(f) "seed potato" means the tuber of the plant *solanum tuberosum* harvested between the months of September, 1958, and January, 1959, and which is of normal shape characteristic to the variety, viable, mature, firm, free from diseases with well-developed eyes;

(g) "territory" means the district of Mahasu in Himachal Pradesh.

**3. Dealers etc. to obtain licence.**—No person shall—

(a) carry on the business of purchasing or selling seed potato;

(b) store seed potato for sale or for export;

(c) export, attempt to export, or abet the export of seed potato;

except under and in accordance with the terms and conditions of a licence granted under this Order:

Provided that nothing contained in this clause shall apply to the export of seed potato not exceeding in the aggregate twenty seers in weight at any one time by a *bonafide* traveller as a part of his luggage.

**4. Restriction on export of potato seed.**—No person shall export, or attempt to export, or abet the export of, any seed potato which is not graded, packed and marked in accordance with the directions issued by the licensing authority under the provisions of this Order.

**5. Application for licence.**—(1) Every person desiring to obtain a licence under this Order shall make an application in Form A in duplicate to the licensing authority.

(2) A separate application shall be necessary in respect of each place of business.

(3) Every such application shall be accompanied by a treasury challan under Head XXIX Agriculture-Misc. Receipt, for Rs. 5.00 as licence fee.

**6. Grant and refusal of licence.**—(1) On receipt of an application under clause 5, the licensing authority, after making such enquiry as it considers necessary, shall, by order in writing, either grant the licence or refuse to grant it.

(2) Before granting any licence under this Order, the licensing authority, shall have regard to the following factors, namely:—

- (a) whether the applicant has been carrying on or has carried on business as a dealer and if so, for what period;
- (b) financial position of the applicant;
- (c) in relation to an application for licence for export, facilities or experience that the applicant possesses for grading of seed potatoes;
- (d) such other factors which appear to the licensing authority to be relevant under the circumstances.

(3) Where a licence is refused, the grounds of such refusal shall be communicated, as early as possible, to the applicant.

(4) Every licence granted under this Order shall be in Form B.

**7. Period of validity of licence.**—Every licence issued under this Order shall, unless previously cancelled or suspended, expire on the 31st of January, 1959.

**8. Issue of directions.**—(1) The licensing authority may issue direction to all licence holders generally in regard to—

- (i) issue of vouchers by sellers of seed potato;
- (ii) grading and packing of seed potato and marking of containers thereof;
- (iii) submission of returns in the form prescribed by the licensing authority from time to time;
- (iv) training of dealers or their employees in the methods and technique of grading of seed potato.

(2) Every licensee shall comply with any directions issued under sub-clause (1).

**9. Power to cancel or suspend licence.**—The licensing authority may, after giving the holder of a licence an opportunity of being heard, suspend or cancel a licence on any of the following grounds, namely:—

- (a) that the licence had been obtained by misrepresentation as to material particulars;
- (b) that any of the provisions of this Order or terms and conditions of the licence or the directions issued under this Order have been contravened.

**10. Appeal.**—Any person who is aggrieved by an order—

- (a) refusing to grant a licence;
- (b) cancelling or suspending a licence;

may within fifteen days from the date of such order, appeal to such authority as the Administration may specify in this behalf, and the decision of such authority shall be final.

**11. Service of orders and directions.**—Any order or direction made or issued by the licensing authority may be served in the manner provided in sub-section (5) of section 3 of the Essential Commodities Act, 1955 (19 of 1955).

12. **Power of entry, search, seizure, etc.**—(1) The licensing authority or any officer duly authorised by him in writing in this behalf may, with a view to securing compliance with this Order or to satisfying himself that this Order has been complied with—

- (a) stop, detain and search any person, motor or any vehicle, animal or receptacle used or capable of being used for the carriage of seed potato;
- (b) enter and search any building, structure or place;
- (c) seize any seed potato in respect of which he has reason to believe that any provision of this Order has been, is being, or is about to be contravened;
- (d) inspect or examine the licence, accounts or stocks of any licensee at any time.

(2) The provisions of sections 102 and 103 of the Code of Criminal Procedure, 1898 (5 of 1898), relating to search and seizure shall, so far as may be, apply to searches and seizures under this clause.

13. **Exemption.**—The Administration may, for sufficient reasons, exempt any person or class of persons or any department of the Government from the operation of all or any of the provisions of this Order.

#### SCHEDULE

##### FORM A

(See clause 5)

#### APPLICATION FOR LICENCE

[Under the Himachal Pradesh Seed Potato (Control) order, 1958]

From

To

Sir,

Kindly grant a licence authorising the under-mentioned individual/firm/joint stock company/co-operative society, to purchase, sell or export or store for sale or for export seed potatoes under the Himachal Pradesh Seed Potato (Control) Order, 1958. The individual/firm/joint stock company/co-operative society, is a *bonafide* dealer grower of seed potato since \_\_\_\_\_ and has handled \_\_\_\_\_ mds. of seed potatoes during the last year or any one of the two previous years. The individual/firm/joint stock company/Co-operative Society will carry on business at \_\_\_\_\_ place, \_\_\_\_\_ Tehsil, \_\_\_\_\_ District \_\_\_\_\_ and will abide by the terms and conditions of the Himachal Pradesh Seed Potato Control Order, 1958.

I/We also certify that I/Shri \_\_\_\_\_ s/o. Shri \_\_\_\_\_ my/our employee or agent at the place mentioned above has duly received training in the grading of seed potato provided by the Department of Agriculture, Himachal Pradesh, Administration and has been awarded a certificate for having satisfactorily completed the training. An attested copy of the certificate is attached herewith.

I/We certify that the particulars given by me/us in this application are correct to the best of my/our knowledge and belief.

Date \_\_\_\_\_

Signature \_\_\_\_\_

NOTE.—Cut out what is not applicable.

## FORM B

(See Clause 6)

Licence for the purpose of purchase, sale or export or storage for sale or export of seed potatoes

Subject to the provisions of the HIMACHAL PRADESH SEED POTATO (CONTROL) ORDER, 1958 and to the terms and conditions of this licence, \_\_\_\_\_ is hereby licensed to purchase, sell or export, store for sale or for export seed potatoes.

2. The licensee may carry on the aforesaid business at \_\_\_\_\_ place, in \_\_\_\_\_ Tehsil, of Mahasu District.

3. The licensee shall grade, pack and mark the seed potatoes of different varieties in such manner as may be laid down by the Licensing Authority under clause 8 of the Seed Potato (Control) Order, 1958.

4. The licensee shall give every facility to the Licensing Authority or any other officer acting under his authority for the purpose of inspecting his stocks and checking its quality at any shop, depot or godown or other place used by him for the purpose of storage, sale or export of seed potatoes.

NOTE.—Cut out what is not applicable.

[No. 25-36/58-Coop. II.]

K. R. DAMLE, Secy.